

USDA  
UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

2001 JAN 24 P 4: 00

In re: ) PACA Docket No. D-00-0023 RECEIVED  
 )  
Jacobson Produce, Inc., )  
 )  
Respondent. ) Consent Decision and Order

This proceeding was instituted under the Perishable Agricultural Commodities Act (7 U.S.C. §499a *et seq.*), by a complaint filed on August 25, 2000, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, alleging that the Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 CFR §1.138).

Respondent admits the jurisdictional allegations in paragraph II of the complaint and specifically admits that the Secretary has jurisdiction in this matter. The complaint alleges and Respondent admits that during the period June 1999 through January 2000, Respondent failed to make full payment promptly to 28 sellers of the agreed purchase prices in the total amount of \$584,326.83 for 153 lots of perishable agricultural commodities, which it purchased, received and accepted in interstate and foreign commerce. A copy of the complaint was served upon Respondent. The Respondent and Complainant have now agreed to the entry of a Decision and Order as set forth herein. Therefore, the following Decision and Order is issued without further procedure or hearing.

### Findings of Fact

1. Respondent is a New York corporation whose business and mailing address was Store 338 - 340, Hunts Point Terminal Market, Bronx, New York 10474. Pursuant to the licensing provisions of the PACA, license number 662347 was issued to Respondent on March 31, 1966. This license has been renewed annually and is next subject to renewal on or before March 31, 2001. However, this license was suspended on May 2, 2000, for failure to pay a reparation award pursuant to Section 7(d) of the PACA (7 U.S.C. §499g).
2. Respondent ceased all business operations on or about March 1, 2000.
3. As more fully set forth in paragraph III of the complaint, during June 1999 through January 2000, Respondent failed to make full payment promptly to 28 sellers of the agreed purchase prices in the total amount of \$584,326.83 for 153 lots of perishable agricultural commodities, which it purchased, received and accepted in interstate and foreign commerce.

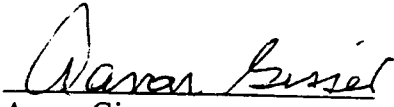
### Conclusions


Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact Number 3 above constitutes willful, repeated, and flagrant violations of section 2(4) of the Act (7 U.S.C. §499b(4)), for which the Order below is issued. Respondent having admitted jurisdictional facts and the parties having agreed to the entry of this decision, such decision shall be entered.


Order

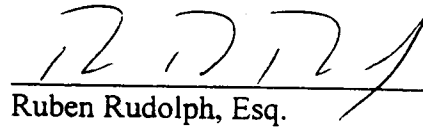
A finding is made that Respondent has committed willful, repeated, and flagrant violations of Section 2(4) of the Act (7 U.S.C. §499b(4)). The PACA license of Respondent is hereby revoked.

This order shall become effective thirty days after issuance. Copies hereof shall be served upon the parties.

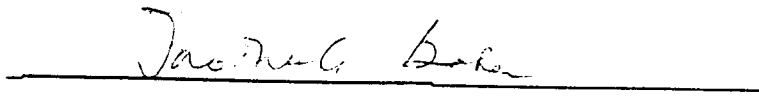
  
Aaron Gisser  
Jacobson Produce, Inc.

  
Associate Deputy Administrator  
Fruit and Vegetable Programs

  
Paul Gentile, Esq.  
Attorney for Respondent

  
Ruben Rudolph, Esq.  
Attorney for Complainant

Done at Washington, D.C.  
This 26<sup>th</sup> day of January, 2001

  
\_\_\_\_\_  
Administrative Law Judge